IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 21643 of 2007(B)

PETITIONER:

M.N.SASIDHARAN NAIR, KOTTAL HOUSE,
PERUNNAI WEST, CHANGANACHERRY.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM
SMT.V.T.LITHA

RESPONDENTS:

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1. THE CHANGANACHERRY CO-OPERATIVE URBAN BANK LTD. NO.3195, CHANGANACHERRY REPRESENTED BY ITS BRANCH MANAGER.

2. THE SPECIAL SALE OFFICER,
THE CHANGANACHERRY CO-OPERATIVE URBAN BANK LTD, NO.3195, CHANGANACHERRY.

BY ADV. SRI.JOMY GEORGE
GOVT. PLEADER SRI.BASANTH BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	TRUE COPY OF THE PLAINT IN ARC NO. 56/02 DTD. 25-1-02
EXT.P2	TRUE COPY OF THE AWARD IN A.R.C.NO.56/02 DTD. 13-5-02
EXT.P3	TRUE COPY OF THE RECEIPT DTD. 23-4-03 ISSUED BY R1 TO THE PETITIONER.
EXT.P3(A)	TRUE COPY OF THE RECEIPT DTD. 26-6-03 ISSUED BY R1 TO THE PETITIONER.
EXT.P3(B)	TRUE COPY OF THE RECEIPT DTD. 9-1-04 ISSUED BY R1 TO THE PETITIONER.
EXT.P4	TRUE COPY OF THE SALE PROCLAMATION NOTICE DTD. 6-6-07 ISSUED BY THE SECOND RESPONDENT.

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(c).No. 21643 OF 2007

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Dated this the 19th day of September , 2007

JUDGMENT

Petitioner challenges Ext.P4 sale notice. Petitioner seeks a direction to permit him to pay the actual amount due in 18 equal monthly instalments and to stay all coercive proceedings. Petitioner availed a loan which he could not repay.

2. I heard learned counsel for the respondent-Bank also.

The writ petition is disposed of permitting the petitioner to pay off the entire amount remaining to be paid with due interest in eight equal monthly instalments, the first of which shall be payable on or before 01/11/2007. Petitioner is to pay the remaining instalments on or before the first working day of every succeeding months. The first respondent will serve a statement on the petitioner within two weeks from today showing the amount remaining to be paid with due interest and also the amount of instalments to be paid on the basis that the amount is to be paid in 8 equal monthly instalments. If the petitioner does not pay any of the instalments as aforesaid, it is open to the first respondent to proceed against the petitioner in accordance with law.

(K.M.JOSEPH, JUDGE)

sv.

(K.M.JOSEPH, JUDGE)

sv.